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Seeking Appointment as Attorney for Defendant
THOMAS EDWARD HENDERSON, Jr.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. S 03-556 FCD
)	
Plaintiff,)	REQUEST FOR APPOINTMENT OF
)	COUNSEL; ORDER
v.)	
)	<u>RETROACTIVE CRACK COCAINE</u>
THOMAS EDWARD HENDERSON, Jr.,)	<u>REDUCTION CASE</u>
)	Date: March 31, 2008
Defendant.)	Time: 10:00 a.m.
)	Judge: Hon. FRANK C. DAMRELL, Jr.
_____)	

Pursuant to 18 U.S.C. §§ 3006A(c) and 3582(c)(2), Defendant, THOMAS EDWARD HENDERSON, Jr., hereby requests the court appoint the Office of the Federal Defender and Assistant Federal Defender David M. Porter as counsel to represent him with respect to his motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2), filed March 10, 2008. Mr. Porter is familiar with the case and is willing to accept the appointment.*

Appointment of counsel would serve the interests of justice in this case because it might facilitate a negotiated disposition of the motion and because the motion might raise novel legal issues

* Mr. Henderson has authorized the undersigned to file this application on his behalf.

1 surrounding application of the United States Sentencing Commission's
2 recent retroactive reduction of sentences under the crack cocaine
3 guidelines. Because Mr. Henderson's substantial rights may be affected
4 by these criminal proceedings, he is constitutionally entitled to
5 appointment of counsel. *Mempa v. Rhay*, 389 U.S. 128, 134 (1967).

6 Accordingly, Mr. Henderson requests the Court issue the order
7 lodged herewith.

8 Dated: March 10, 2008

9 Respectfully submitted,

10 DANIEL J. BRODERICK
11 Federal Defender

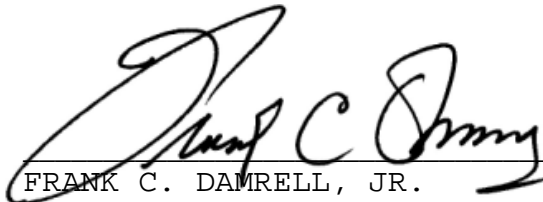
12 /s/ David M. Porter
13 DAVID M. PORTER
14 Assistant Federal Defender

15 Seeking Appointment as Attorney for Movant
16 THOMAS EDWARD HENDERSON, Jr.

17 **O R D E R**

18 Pursuant to defendant's request, and good cause appearing
19 therefor, the Office of the Federal Defender and Assistant Federal
20 David M. Porter is hereby appointed to represent defendant with respect
21 to his motion to reduce sentence.

22 DATED: March 11, 2008

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25 FRANK C. DAMRELL, JR.
26 UNITED STATES DISTRICT JUDGE
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